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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-718

11 **SOLOMON QUESADA BAISA**
12 **5430 Oak Park Lane Unit 234**
13 **Oak Park, CA 91377**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

14 **Registered Nurse License No. 678333**

15 Respondent.

16
17 **FINDINGS OF FACT**

18 1. On or about May 30, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official
19 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs, filed Accusation No. 2012-718 against Solomon Quesada Baisa

21 ("Respondent") before the Board of Registered Nursing. (Accusation attached as **Exhibit A.**)

22 2. On or about April 25, 2006, the Board of Registered Nursing ("Board") issued
23 Registered Nurse License No. 678333 to Respondent. The Registered Nurse License will expire
24 on June 30, 2013, unless renewed.

25 3. On or about May 30, 2012, Respondent was served by Certified and First Class Mail
26 copies of the Accusation No. 2012-718, Statement to Respondent, Notice of Defense, Request for
27 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
28

1 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
2 section 1409.1, is required to be reported and maintained with the Board, which was and is:

3 5430 Oak Park Lane, Unit 234
4 Oak Park, CA 91377.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124. Respondent never filed a Notice of Defense.

8 5. California Government Code section 11520 states, in pertinent part:

9 (a) If the respondent either fails to file a notice of defense or to appear at the
10 hearing, the agency may take action based upon the respondent's express admissions
11 or upon other evidence and affidavits may be used as evidence without any notice to
12 respondent.

13 6. Pursuant to its authority under Government Code section 11520, the Board finds
14 Respondent is in default. The Board will take action without further hearing and, based on the
15 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
16 taking official notice of all the investigatory reports, exhibits and statements contained therein on
17 file at the Board's offices regarding the allegations contained in Accusation No. 2012-718, finds
18 that the charges and allegations in Accusation No. 2012-718, are separately and severally, found
19 to be true and correct by clear and convincing evidence.

20 8. Taking official notice of its own internal records, pursuant to Business and
21 Professions Code ("Code") section 125.3, it is hereby determined that the reasonable costs for
22 Investigation and Enforcement is \$9,951.50 as of July 23, 2012.

23 DETERMINATION OF ISSUES

24 1. Based on the foregoing findings of fact, Respondent Solomon Quesada Baisa has
25 subjected his Registered Nurse License No. 678333 to discipline.

26 2. The agency has jurisdiction to adjudicate this case by default.

27 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
28 Nurse License based upon the following violations alleged in the Accusation which are supported
by the evidence contained in the Default Decision Evidence Packet in this case.

1 a. Respondent is subject to disciplinary action under Business and Professions Code
2 (the Code) section 2761, subdivision (a), for unprofessional conduct and section 2762,
3 subdivision (a), for possession of controlled substances and section 2762, subdivision (e), for
4 falsification of records because Respondent withdrew narcotics without a physician's orders,
5 withdrew narcotics for patients not assigned to him, failed to properly chart narcotics or follow
6 physician orders and withdrew larger doses of narcotics than ordered by a physician. The
7 conduct is described in more particularity in Accusation No. 2012-718, inclusive and herein
8 incorporated by reference.

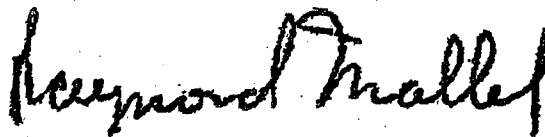
ORDER

IT IS SO ORDERED that Registered Nurse License No. 678333, heretofore issued to Respondent Solomon Quesada Baisa, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on DECEMBER 7, 2012.

It is so ORDERED NOVEMBER 8, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51015372.DOC
DOJ Matter ID:LA2011601501

Attachment:
Exhibit A: Accusation Case No. 2012-718

Exhibit A

Accusation Case No. 2012-718

1
2 KAMALA D. HARRIS
Attorney General of California
3 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
4 GLORIA A. BARRIOS
Supervising Deputy Attorney General
5 State Bar No. 94811
300 So. Spring Street, Suite 1702
6 Los Angeles, CA 90013
Telephone: (213) 897-2540
7 Facsimile: (213) 897-2804

8 *Attorneys for Complainant*

9
10 **BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

11
12 In the Matter of the Accusation Against:

Case No. **2012 - 718**

A C C U S A T I O N

13
14 **SOLOMON QUESADA BAISA
5430 Oak Park Lane Unit 234
Oak Park, CA 91377**

15
16 **Registered Nurse License No. 678333**

17 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about April 25, 2006, the Board of Registered Nursing (Board) issued
25 Registered Nurse License No. 678333 to Solomon Quesada Baisa (Respondent). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on June 30, 2013, unless renewed.

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1 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
2 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
3 administer to another, any controlled substance as defined in Division 10 (commencing with
4 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
5 defined in Section 4022.

6

7 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
8 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
9 section."

10 8. Section 2764 provides, in pertinent part, that the expiration of a license shall not
11 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
12 to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the
13 Board may renew an expired license at any time within eight years after the expiration.

14 **COST RECOVERY**

15 9. Section 125.3 provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licensee found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 **CONTROLLED SUBSTANCE**

20 10. **Hydromorphone Hydrochloride (Dilaudid)** – a Schedule II controlled substance
21 pursuant to Health and Safety Code section 11055, (b)(1)(j) and is categorized a dangerous drug
22 pursuant to Business and Professions Code section 4022. It is a narcotic analgesic used for the
23 relief of severe pain.

24 11. **Percocet (Oxycodone)**– a Schedule II controlled substance pursuant to Health and
25 Safety Code section 11055, (b)(1) and is categorized a dangerous drug pursuant to Business and
26 Professions Code section 4022. Oxycodone is for use in opiate tolerant patients only.

27 12. **APAP/Oxycodone (Endocet)**– a Schedule II controlled substance with
28 acetaminophen, pursuant to Health and Safety Code section 11055, (b)(1)(m) and is categorized a

1 dangerous drug pursuant to Business and Professions Code section 4022. Oxycodone is a
2 synthetic opiate that can cause intense euphoria, relaxation, and sedation.

3 13. **Lorazepam**— a Schedule IV controlled substance pursuant to Health and Safety Code
4 section 11057, (d)(16) and is categorized a dangerous drug pursuant to Business and Professions
5 Code section 4022. Lorazepam is an antianxiety agent.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

8 14. Respondent is subject to disciplinary action under section 2761, in that Respondent
9 committed unprofessional conduct as follows:

10 15. Respondent was employed as a registered nurse in the Telemetry Unit of Marina Del
11 Rey Hospital ("Hospital") from about April 4, 2009, to about April, 2011. At all times relevant to
12 the charges herein, the Hospital used a drug dispensing system called the "Pyxis System". The
13 Pyxis is a computerized automated medication dispensing machine. The user enters a password
14 to gain access and dispense medication from the machine. The machine records the user name,
15 patient name, medication, dose, date and time of the withdrawal. The Pyxis is integrated with
16 hospital pharmacy inventory management systems.

17 16. On or about April, 2011, Respondent was terminated from the Hospital for failing to
18 respond to the Hospital's investigation involving a routine audit of his narcotic transactions. The
19 Hospital's audit revealed several discrepancies in Respondent's narcotic transactions. The audit
20 revealed that Respondent withdrew narcotics without a physician's orders, withdrew narcotics for
21 patients not assigned to him, failed to properly chart narcotics or follow physician orders, and
22 withdrew larger doses of narcotics than ordered by a physician. The Hospital's audit revealed the
23 following discrepancies:

24 ///

25 ///

PATIENT W.D. (#8102019950)¹

a. On or about April 30, 2011, Respondent removed 4 mg/ml of Dilaudid from Pyxis at 0722. There was no physician order. Respondent did not document that he administered any Dilaudid to the patient. At 1738, he wasted the 4 mg/ml of Dilaudid.

b. On or about April 30, 2011, Respondent removed 2 mg/ml of Dilaudid from Pyxis at 1213. There was no physician order. Respondent did not document that he administered any Dilaudid to the patient. At 1607, he returned the 2 mg/ml of Dilaudid. Medication is rarely returned.

c. On or about April 30, 2011, Respondent removed 4 mg/ml of Dilaudid from Pyxis at 1359. There was no physician order. Respondent did not document that he administered any Dilaudid to the patient. At 1606, he returned the 4 mg/ml of Dilaudid. Medication is rarely returned.

PATIENT D.M. (#8102015586)

a. On or about May 13, 2011, Respondent removed 4 mg/ml of Dilaudid from Pyxis at 0718. On or about May 13, 2011, Respondent removed 4 mg/ml of Dilaudid from Pyxis at 1259. The physician's order called for .5 mg/ml of Dilaudid by IV push every 2 hours as needed for pain. Despite the fact that the physician's order called for .5 mg/ml, Respondent removed 4 mg/ml vials of Dilaudid instead of 2 mg/ml vials.

b. Respondent failed to follow the physician's orders in that he documented in the Medication Administration Record (MAR) he had administered .5 mg/ml of Dilaudid to the patient at 0725 and through his Pyxis report at 0821 (less than 1 hour apart). The physician's order called for .5 mg/ml of Dilaudid by IV push every 2 hours as needed for pain.

PATIENT J.C. (#8102023697)

a. Respondent failed to follow the physician's orders in that his Pyxis report and the MAR show that on April 30, 2011, he administered .2 mg/ml of Dilaudid to the patient every 35-

¹ All patients will be referred to by their initials and medical record numbers to protect their privacy.

1 50 minutes from 1430 through 1845 (6 times). The physician's order called for 1 mg/ml of
2 Dilauid every 4 hours as needed for pain.

3 b. On or about April 30, 2011, Respondent removed 4 mg/ml of Dilauid from Pyxis at
4 1430. On or about April 30, 2011, Respondent removed 4 mg/ml of Dilauid from Pyxis at 1735.
5 On or about April 30, 2011, Respondent removed 4 mg/ml of Dilauid from Pyxis at 1827. The
6 physician's order called for 1 mg/ml of Dilauid every 4 hours as needed for pain. Despite the
7 fact that the physician's order called for 1 mg/ml, Respondent removed 4 mg/ml vials instead of 2
8 mg/ml vials.

9 **PATIENT C.C. (#810203065)**

10 a. Respondent failed to follow the physician's orders in that his Pyxis report shows that
11 on May 13, 2011, he administered .5 mg/ml of Dilauid to the patient every 3 hours, 15 minutes-
12 1 hour and 15 minutes from 1315 through 1748 (3 times). The physician's order called for .5
13 mg/ml of Dilauid every 4 hours as needed for pain. There was no MAR.

14 b. On or about May 13, 2011, Respondent removed 4 mg/ml of Dilauid from Pyxis at
15 1634. On or about May 13, 2011, Respondent removed 4 mg/ml of Dilauid from Pyxis at 1748.
16 The physician's order called for .5 mg/ml of Dilauid every 4 hours as needed for pain. Despite
17 the fact that the physician's order called for .5 mg/ml of Dilauid, Respondent removed 4 mg/ml
18 vials instead of 2 mg/ml vials. There was no MAR.

19 **PATIENT P.K. (#8102037085)**

20 a. On or about May 18, 2011, Respondent removed 4 mg/ml of Dilauid from Pyxis at
21 0723. There was no physician order. Respondent did not document that he administered any
22 Dilauid to the patient. He wasted the 4 mg/ml of Dilauid.

23 b. On or about May 18, 2011, Respondent removed 2 mg/ml of Dilauid from Pyxis at
24 1603. There was no physician order. Respondent did not document that he administered any
25 Dilauid to the patient. He returned the 2 mg/ml of Dilauid.

26 **PATIENT A.H. (#8102042390)**

27 a. On or about May 18, 2011, Respondent removed 4 mg/ml of Dilauid from Pyxis at
28 1824. The physician's order called for 1 mg/ml of Dilauid every 6 hours as needed for pain.

1 Despite the fact that the physician's order which called for 1 mg/ml of Dilaudid, Respondent
2 removed 4 mg/ml vial instead of 2 mg/ml vial.

3 **PATIENT A.G. (#8102032201)**

4 a. On or about May 18, 2011, Respondent removed 4 mg/ml of Dilaudid from Pyxis at
5 1217. The physician's order called for 1 mg/ml of Dilaudid every 3 hours as needed for pain.
6 Despite the fact that the physician's order which called for 1 mg/ml of Dilaudid, Respondent
7 removed 4 mg/ml vial instead of 2 mg/ml vial.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Possession of Controlled Substances)**

10 17. Respondent is subject to disciplinary action under section 2762, subdivision (a) in
11 that Respondent withdrew controlled substances/dangerous drugs, but either withdrew narcotics
12 without a physician's orders, withdrew narcotics for patients not assigned to him, failed to
13 properly chart narcotics or follow physician orders, and withdrew larger doses of narcotics than
14 ordered by a physician. Complainant refers to and incorporates all of the allegations in paragraph
15 16, as though set forth fully.

16 18. Respondent is subject to disciplinary action under section 2762, subdivision (a) in
17 that Respondent obtained several prescriptions of controlled substances/dangerous drugs from
18 three physicians without informing them that he was receiving the same drugs from the other
19 physicians at the same time.

20
21 a. On or about October 28, 2010, Respondent filled a prescription from Erwinn Martin
22 C. Sistoza, M.D., for 90 tablets of Percocet, 325 10 mg.

23 b. On or about November 5, 2010, Respondent filled a prescription from Dr. Sistoza, for
24 90 tablets of APAP/Oxycodone, 325 10 mg.

25
26 c. On or about November 16, 2010, Respondent filled a prescription from Daniel
27 Marcus, M.D., for 120 tablets of Oxycodone and Acetaminophen, 325 10 mg.

1 d. On or about December 2, 2010, Respondent filled a prescription from Dr. Sistoza, for
2 120 tablets of Endocet, 325 10 mg.

3 e. On or about December 15, 2010, Respondent filled a prescription from Dr. Marcus,
4 for 120 tablets of Oxycodone and Acetaminophen, 325 10 mg.
5

6 f. On or about December 26, 2010, Respondent filled a prescription from Dr. Marcus,
7 for 120 tablets of APAP/Oxycodone, 325 10 mg.

8 g. On or about January 6, 2011, Respondent filled a prescription from Dr. Sistoza, for
9 120 tablets of Oxycodone and Acetaminophen, 325 10 mg.
10

11 h. On or about February 11, 2011, Respondent filled a prescription from Dr. Sistoza, for
12 120 tablets of APAP/Oxycodone, 325 10 mg.

13 i. On or about February 20, 2011, Respondent filled a prescription from Dr. Sistoza, for
14 90 tablets of APAP/Oxycodone, 325 10 mg.
15

16 j. On or about March 1, 2011, Respondent filled a prescription from Dr. Sistoza, for 90
17 tablets of APAP/Oxycodone, 325 10 mg.

18 k. On or about March 11, 2011, Respondent filled a prescription from Dr. Marcus, for
19 120 tablets of APAP/Oxycodone, 325 10 mg.
20

21 l. On or about March 25, 2011, Respondent filled a prescription from Dr. Marcus, for
22 90 tablets of APAP/Oxycodone, 325 10 mg.

23 m. On or about April 8, 2011, Respondent filled a prescription from Dr. Sistoza, for 90
24 tablets of APAP/Oxycodone, 325 10 mg.
25

26 n. On or about April 19, 2011, Respondent filled a prescription from Dr. Marcus, for 90
27 tablets of APAP/Oxycodone, 325 10 mg.
28

1 o. On or about May 4, 2011, Respondent filled a prescription from Dr. Sistoza, for 90
2 tablets of APAP/Oxycodone, 325 10 mg.

3 p. On or about May 4, 2011, Respondent filled a prescription from Dr. Marcus, for 30
4 tablets of APAP/Oxycodone, 0.5 mg.

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6 q. On or about May 28, 2011, Respondent filled a prescription from Dr. Sistoza, for 120
7 tablets of APAP/Oxycodone, 325 10 mg.

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9 r. On or about June 7, 2011, Respondent filled a prescription from Dr. Marcus, for 120
10 tablets of APAP/Oxycodone, 325 10 mg.

11 s. On or about June 16, 2011, Respondent filled a prescription from Narsis Khorasgani
12 Moshfeghi, M.D., for 15 tablets of APAP/Oxycodone, 325 10 mg.

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14 t. On or about June 22, 2011, Respondent filled a prescription from Dr. Moshfeghi, for
15 90 tablets of APAP/Oxycodone, 325 10 mg.

16 u. On or about June 25, 2011, Respondent filled a prescription from Dr. Sistoza, for 90
17 tablets of APAP/Oxycodone, 325 10 mg.

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19 v. On or about June 25, 2011, Respondent filled a prescription from Dr. Sistoza, for 30
20 tablets of Lorazepam, 0.5 mg.

21 w. On or about July 4, 2011, Respondent filled a prescription from Dr. Marcus, for 120
22 tablets of APAP/Oxycodone, 325 10 mg.

23
24 x. On or about July 17, 2011, Respondent filled a prescription from Dr. Marcus, for 120
25 tablets of APAP/Oxycodone, 325 10 mg.

26 y. On or about July 25, 2011, Respondent filled a prescription from Dr. Sistoza, for 120
27 tablets of APAP/Oxycodone, 325 10 mg.

1 z. On or about August 1, 2011, Respondent filled a prescription from Dr. Moshfeghi, for
2 90 tablets of APAP/Oxycodone, 325 10 mg.

3 aa. On or about August 7, 2011, Respondent filled a prescription from Dr. Marcus, for 45
4 tablets of Oxycodone and Acetaminophen, 325 10 mg.

5
6 bb. On or about August 13, 2011, Respondent filled a prescription from Dr. Marcus, for
7 120 tablets of APAP/Oxycodone, 325 10 mg.

8 cc. On or about August 19, 2011, Respondent filled a prescription from Dr. Sistoza, for
9 120 tablets of APAP/Oxycodone, 325 10 mg.

10
11 dd. On or about August 19, 2011, Respondent filled a prescription from Dr. Sistoza, for
12 30 tablets of Lorazepam, 0.5 mg.

13 ee. On or about August 26, 2011, Respondent filled a prescription from Dr. Sistoza, for
14 120 tablets of Oxycodone and Acetaminophen, 325 10 mg.

15
16 ff. On or about September 1, 2011, Respondent filled a prescription from Dr. Moshfeghi,
17 for 90 tablets of APAP/Oxycodone, 325 10 mg.

18 gg. On or about September 10, 2011, Respondent filled a prescription from Dr. Marcus,
19 for 120 tablets of APAP/Oxycodone, 325 10 mg.

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21 hh. On or about September 16, 2011, Respondent filled a prescription from Dr. Marcus,
22 for 120 tablets of APAP/Oxycodone, 325 10 mg.

23 ii. On or about September 24, 2011, Respondent filled a prescription from Dr. Marcus,
24 for 90 tablets of Oxycodone and Acetaminophen, 325 10 mg.

25
26 jj. On or about October 14, 2011, Respondent filled a prescription from Dr. Marcus, for
27 45 tablets of APAP/Oxycodone, 325 10 mg.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Falsification of Records)**

3 19. Respondent is subject to disciplinary action under section 2762, subdivision (e) in
4 that Respondent falsified medical records when he withdrew controlled substances/dangerous
5 drugs, but either withdrew narcotics without a physician's orders, withdrew narcotics for patients
6 not assigned to him, failed to properly chart narcotics or follow physician orders, and withdrew
7 larger doses of narcotics than ordered by a physician. Complainant refers to and incorporates all
8 of the allegations in paragraph 16, as though set forth fully.

9 **PRAYER**

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board issue a decision:

- 12 1. Revoking or suspending Registered Nurse License No. 678333, issued to Solomon
13 Quesada Baisa;
- 14 2. Ordering Solomon Quesada Baisa to pay the Board the reasonable costs of the
15 investigation and enforcement of this case, pursuant to section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: May 30, 2012

18 Louise R. Bailey
19 LOUISE R. BAILEY, M.ED., RN
20 Interim Executive Officer
21 Board of Registered Nursing
22 Department of Consumer Affairs
23 State of California
24 Complainant

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